

**REMARKS**

Claims 1-14 are all the claims pending in the application. Claims 1, 9, and 14 have been amended for form and clarity **only**. Applicant respectfully submits that no change in scope has been made. As such, Applicant respectfully requests the Examiner enter the amendments and consider the following remarks.

**I. Statement of Substance regarding the Telephonic Interview with Examiner Chriss**

Applicant thanks Examiner Andrew Chriss for his time in conducting the courteous and productive telephonic interview on March 4, 2008 regarding the rejections under 35 U.S.C. § 112. To summarize this conversation, Applicant's representative presented Applicant's position and proposed claim amendments regarding the rejections under 35 U.S.C. § 112, ¶ 2. Examiner Chriss indicated that he believed the amendments would overcome the rejections but wished to consider the Applicant's position and proposed claim amendments at length in a formal response. As such, Applicant has included a written presentation of Applicant's position and the arguments presented during the telephonic interview.

**II. Claim Rejections - 35 U.S.C. § 112**

Applicant respectfully requests the Examiner withdraw the rejection to claim 1 and 9 under 35 U.S.C. § 112, ¶ 2 in view of the self-explanatory amendments presented above.

**III. Claim Rejections - 35 U.S.C. § 102**

Claims 1-6 and 8-11 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Roberts (US Publication 2002/0057699 A1). Applicant respectfully submits that in view of the amendments presented above to address the rejections under 35 U.S.C. § 112, ¶ 2, Applicant's previous arguments, filed November 20, 2007, clearly overcome the rejections based

on Roberts. As such, these arguments are incorporated herein by reference and reconsideration of such arguments is respectfully requested. For the Examiner's convenience, Applicant has included these argument revised to address the clarified claim language and the Final Office Action.

Claim 1, as amended, recites,

A system for controlling a data network, comprising:  
means for receiving a plurality of quality of service requests that each correspond to one of a plurality of microflows;

. . . .

means for correlating the quality of service requests so as to define at least one set of a plurality of correlated microflows;

wherein the control means effects said control of said elements of said data network only once for the quality of service requests of each said set; and

each said set comprises a plurality of microflows whose corresponding quality of service requests are correlated.

In the Office Action, the Examiner asserted that Roberts teaches “a plurality of quality of service requests that each correspond to one of a plurality of microflows,” and “correlating the quality of service requests so as to define at least one set of a plurality of correlated microflows”, “effect[ing] said control of said elements of said data network only once for the quality of service requests of each said set”, and “each said set comprises a plurality of microflows whose corresponding quality of service requests are correlated”. Applicant submits that this is incorrect.

Roberts is a teaching of managing data communication on a “**per microflow**” level. In other words, only the first data packet in a microflow has a quality of service indication and the remaining data packets of the microflow are sent according to the **first data packet’s quality of service request**. **There is no connection between separate microflows.**

The Examiner admitted this in the “Response to Arguments” of the Final Office Action. Specifically, the Examiner stated, “[A]s the QoS descriptors are analyzed for each **microflow**, this is the equivalent of effecting control **only once for a given microflow.**” (Final Office Action, Page 7). The Examiner is clearly not asserting that this is a teaching of “**effect[ing] said control . . . only once for the quality of service requests of each said set**” wherein “each said set **comprises a plurality of microflows** whose **corresponding quality of service requests** are **correlated.**”

Further, the only process in Roberts that involves more than one microflow is the **separation of the data packets into different microflows**. As such, there is no teaching in Roberts of “**receiving a plurality of quality of service requests that each correspond to one of a plurality of microflows,**” “**correlating the quality of service requests so as to define at least one set of a plurality of correlated microflows**”, “**effect[ing] said control of said elements of said data network only once for the quality of service requests of each said set**”, and “**each said set comprises a plurality of microflows whose corresponding quality of service requests are correlated.**”

As such, because Roberts is a teaching of correlating **data packets on a “per microflow level”**, Applicant respectfully submits that Roberts fails to teach or suggest all the requirements of the claims.

Accordingly, Applicant respectfully submits that claim 1 is not anticipated under 35 U.S.C. § 102(e) by Roberts, because the reference does not disclose all of the features and limitations of the claim. Untaught and non-obvious modifications would have been necessary. As such, Applicant respectfully requests that the Examiner withdraw the rejection of claim 1, and claims 2-6 and 8 at least by virtue of their dependency from claim 1. Further, Applicant requests that the Examiner withdraw the rejection of independent claim 9 and 10-11 which depend from claim 9 for the same or similar reasons.

**IV. Claim Rejections - 35 U.S.C. § 103**

**Claim 4:**

Claim 4 (4/1) is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Roberts as supplied to claim 1 above, and further in view of Zadikian et al. (US 6,631,134). Applicant respectfully traverses the rejection.

Above, Applicant pointed out that Roberts is deficient vis-à-vis independent claims 1 and 9. Applicant respectfully submits that Zadikian fails to compensate for the deficiencies of Roberts. Even taken for what they would have meant as a whole to an artisan of ordinary skill, the combined teachings of these two references would not have (and could not have) led the artisan of ordinary skill to the subject matter of independent claim 1, much less dependent claim 4.

Therefore, claim 4 would not have been obvious within the meaning of 35 U.S.C. §103(a). Additional, untaught modifications would have been necessary.

Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claim 4.

**Claims 7 and 12:**

Claims 7 (7/1) and 12 (12/9) are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Roberts as applied to claims 1 and 9 above, and further in view of Hauck (US 6,977,932). Applicant respectfully traverses the rejection.

Above, Applicant pointed out that Roberts is deficient vis-à-vis independent claim 1. Applicant respectfully submits that Hauck fails to compensate for the deficiencies of Roberts. Even taken for what they would have meant as a whole to an artisan of ordinary skill, the combined teachings of these two references would not have (and could not have) led the artisan of ordinary skill to the subject matter of independent claims 1 and 9, much less dependent claims 7 and 12.

Therefore, claims 7 and 12 would not have been obvious within the meaning of 35 U.S.C. §103(a). Additional, untaught modifications would have been necessary.

Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claims 7 and 12.

**Claim 14:**

Claim 14 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Roberts in view of Eard, et al. (US 2002/0069238). Applicant respectfully traverses the rejection.

Above, Applicant pointed out that Roberts is deficient vis-à-vis independent claim 1. Applicant respectfully submits that Roberts is deficient with regard to independent claim 14 for the same or similar reasons. Further, Applicant respectfully submits that Eard fails to compensate for the deficiencies of Roberts. Even taken for what they would have meant as a

whole to an artisan of ordinary skill, the combined teachings of these two references would not have (and could not have) led the artisan of ordinary skill to the subject matter of independent claim 14.

Therefore, claim 14 would not have been obvious within the meaning of 35 U.S.C. §103(a). Additional, untaught modifications would have been necessary.

Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claim 14.

**V. Formalities**

Applicant thanks the Examiner for indicating that the drawings filed August 20, 2004 have been accepted.

**VI. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.116  
U.S. Appln. No.: 10/505,227

Attorney Docket No.: Q83028

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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Date: March 28, 2008